

New York State Department of Agriculture and Markets

REPORT OF APPRAISAL OF DAMAGE TO DOMESTIC ANIMALS

(See Information on Other Side)

Check One: [ ] ORIGINAL DAMAGE [ ] SUPPLEMENTAL DAMAGE

To: \_\_\_\_\_ Financial Officer, County of \_\_\_\_\_

Address: \_\_\_\_\_ Zip Code \_\_\_\_\_, State of New York. It is hereby

reported that \_\_\_\_\_, Address \_\_\_\_\_

is the owner of domestic animals attacked, killed or injured by a dog or dogs on or about \_\_\_\_\_, 20 \_\_\_\_\_ in the

(Town) [ ] (City) [ ] of \_\_\_\_\_. The original damage was discovered on \_\_\_\_\_, 20 \_\_\_\_\_.

Claimant gave notice of [ ] original/[ ] supplemental claim on \_\_\_\_\_, 20 \_\_\_\_\_, to \_\_\_\_\_,

Address \_\_\_\_\_, Zip Code \_\_\_\_\_ an assessor of the \_\_\_\_\_ in which the damage

was done. The investigation and appraisal were made on \_\_\_\_\_, 20 \_\_\_\_\_.

IF SUPPLEMENTAL CLAIM, claimant must complete the following.

I hereby claim supplemental damage which was not apparent at the time of the assessors' original determination:

For \_\_\_\_\_ injured, died since appraisal, at \$ \_\_\_\_\_ each. \$ \_\_\_\_\_

For \_\_\_\_\_ injury developed since appraisal, at \$ \_\_\_\_\_ each. \$ \_\_\_\_\_

Signature of Claimant \_\_\_\_\_ Total Claimed \$ \_\_\_\_\_

1. ARE YOU SATISFIED THAT THIS DAMAGE WAS CAUSED BY A DOG OR DOGS? [ ] YES [ ] NO

Remarks \_\_\_\_\_

2. ARE YOU SATISFIED THAT THE OWNER HAS TAKEN REASONABLE PRECAUTIONS TO PREVENT THE DAMAGE DONE?

[ ] YES [ ] NO Remarks \_\_\_\_\_

If either or both questions are answered "NO", no allowances should be made. You must still complete the report and file as directed below.

THE AMOUNT OF DAMAGE DETERMINED BY ASSESSORS OR DESIGNATED INDIVIDUALS

Table with 8 columns: No. of Animals, Kind & Breed, Age & Weight, Specify Killed or Injured, Ear-Tag & Registration No., Amount of Damage, Amount Allowed, Total Allowed. Includes rows for individual animals and a TOTAL \$ row.

If purebred animals, did you examine registration papers? [ ] Yes [ ] No List registration numbers above.

If claim is for pheasants or other birds raised in confinement under license from the Environmental Conservation Department, did you examine such license? [ ] Yes [ ] No If yes, give numbers: \_\_\_\_\_

Was the dog seen? [ ] Yes [ ] No If yes, by whom? \_\_\_\_\_

Was the dog killed? [ ] Yes [ ] No Did the observer know who the harborer of the dog or dogs is? [ ] Yes [ ] No

If yes, give Name: \_\_\_\_\_ Address: \_\_\_\_\_

Give a brief description of the dog or dogs as given you by the observer: \_\_\_\_\_

STATE OF NEW YORK ) ss.: AFFIDAVIT FOR ASSESSORS OR DESIGNATED INDIVIDUALS County of \_\_\_\_\_)

\_\_\_\_\_ being duly sworn, deposes and says that as a qualified Assessor/designated of the Town/City of \_\_\_\_\_ and was called upon to determine and fix the amount of damage alleged to have been caused by a dog or dogs; that an investigation was made, the animals killed or injured were viewed and the facts set forth in this report relative to the County Financial Officer and with the claimant on \_\_\_\_\_, 20 \_\_\_\_\_.

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

File a copy of this report with the County Financial Officer, the claimant and the NYS Department of Agriculture and Markets, Division of Animal Industry, 1 Winners Circle, Albany, NY 12235.

NOTE: THIS DETERMINATION IS BINDING AON ALL PARTIES UNLESS A REVIEW IS REQUESTED WITHINT THE 20 DAYS STATUTORY PERIOD. SEE #6 ON BACK OF THIS FORM.

## INFORMATION FOR ASSESSOR, DESIGNATED INDIVIDUAL AND CLAIMANT

1. **THE ASSESSOR RECEIVING NOTICE OF DOG DAMAGE OR ANY OTHER INDIVIDUAL DESIGNATED IN WRITING BY THE GOVERNING BODY OF THE CITY OR TOWN** shall immediately inquire into the matter and shall examine the animals injured or killed and, if he deems it necessary, examine witnesses and notify the dog control officer in relation thereto. The assessor or designated individual must be satisfied that the animals were injured or killed by dogs and that the owner has taken reasonable precautions to prevent the damage done. The assessor or designated individual shall then determine the amount of the damage actually apparent at the time; namely, animals killed or those having visible injuries. Damage actually apparent at the time of appraisal does not include such things as flock damage, loss of future production, eggs, missing animals, unborn fetuses or property damage.

2. **ASSESSORS OR DESIGNATED INDIVIDUAL TO APPRAISE DAMAGE.** It is the duty of the assessor notified or any other individual designated in writing by the governing body of the city or town to appraise damage to domestic animals not exceeding \$400.00. If the amount exceeds \$400.00, the assessor or designated individual shall immediately give notice of the claim to all other assessors or designated individuals, if any, of the city or town, or a majority of them, who shall, within three days, inquire into the matter and make a report in the manner set forth in paragraph 5 below.

3. **DEFINITION OF "DOMESTIC ANIMAL."** Subdivision 7 of Section 108 of the Agriculture and Markets Law defines "domestic animal" as follows: "Domestic animal" means any domesticated sheep, horse, cattle, fallow deer, red deer, sika deer, whitetail deer raised under license from the Department of Environmental Conservation, llama, goat, swine, fowl, duck, goose, swan, turkey, confined domestic hare or rabbit, pheasant or other bird which is raised in confinement under license from the Department of Environmental Conservation before release from captivity, except that the varieties of fowl commonly used for cock fights shall not be considered domestic animals for the purposes of this article."

4. **MAXIMUM AMOUNT OF INDEMNIFICATION ALLOWED BY STATUTE.** Subdivision one of Section 125 of the Agriculture and Markets Law provides that such indemnification shall not exceed the actual damage and in no event shall indemnification exceed the following amounts for each animal: HORSES OR GRADE CATTLE, **EIGHT HUNDRED DOLLARS**; REGISTERED PURE BRED DAIRY AND BEEF CATTLE OR PURE BRED DAIRY AND BEEF CATTLE ELIGIBLE FOR REGISTRATION AND LESS THAN 1 YEAR OF AGE, **TWELVE HUNDRED DOLLARS**; DOMESTICATED FOWL, DUCK, GOOSE, SWAN, TURKEY, PHEASANT OR OTHER BIRD WHICH IS RAISED IN CONFINEMENT UNDER LICENSE FROM THE STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION BEFORE RELEASE FROM CAPTIVITY, AND CONFINED DOMESTIC HARE OR RABBIT, **FIFTEEN DOLLARS**; GRADE SHEEP, GOAT OR SWINE, **ONE HUNDRED DOLLARS**; REGISTERED PURE BRED SHEEP, GOAT OR SWINE OR PURE BRED SHEEP, GOAT OR SWINE ELIGIBLE FOR REGISTRATION AND LESS THAN 1 YEAR OF AGE, **TWO HUNDRED DOLLARS**; AND FALLOW DEER, RED DEER, SIKA DEER, WHITETAIL DEER RAISED UNDER LICENSE FROM THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION AND LLAMA, **THREE HUNDRED AND FIFTY DOLLARS**. No indemnification shall be paid for fowl of the varieties commonly used for cock fights.

5. **REPORT TO BE MADE BY THE ASSESSORS OR DESIGNATED INDIVIDUALS.** It is the duty of the assessor or designated individual to promptly file a report of appraisal with the financial officer of the county, the commissioner and the claimant. This report shall fully describe the domestic animals killed or injured and set forth the amount of the damage allowed. If the assessor or designated individual is not satisfied that the damage was caused by dogs or that reasonable precautions to prevent the damage were not taken, or if no damage was manifest, the reason why the damage was not allowed should be stated on the report and the report filed as set forth above. When no allowance is made, the claimant should be advised of his right for a review by the Commissioner.

6. **CLAIMANT OR COUNTY FINANCIAL OFFICER MAY REQUEST A REVIEW.** The claimant or the county financial officer by, within 20 days after the receipt of the report of any assessor or designated individual, if dissatisfied with the amount of the damage stated therein, present to the Commissioner a request for a review. Such request should be in writing and be sent to the Commissioner of Agriculture and Markets, Division of Animal Industry, 1 Winners Circle, Albany, NY 12235.

7. **SUPPLEMENTAL CLAIM.** If, subsequent to the determination of damage, it develops that damage, which was not apparent at the time of determination, was caused to any domestic animal, a supplemental notice of claim for such damage shall be promptly given by the claimant upon discovery thereof to the assessor at any time within six months after the discovery of the original damage. Such notice shall set forth the facts upon which the additional claim was based. The same proceedings shall thereupon be had as upon the original claim.

8. **FORMS.** Report of appraisal forms can be obtained from the New York State Department of Agriculture and Markets, Division of Animal Industry, 1 Winners Circle, Albany, NY 12235 or your county financial officer.